

EXHIBIT “M”

SHEET 1 PAGE 1

1 COPY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANAND DASRATH,

4

PLAINTIFF,

5

-against-

CASE NO. CV-07-2433

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ROSS UNIVERSITY SCHOOL OF MEDICINE,

7

DEFENDANT.

8

-----X

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DATE: October 15, 2010

10

TIME: 9:45 a.m.

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EXAMINATION BEFORE TRIAL of the

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Defendant, ROSS UNIVERSITY SCHOOL OF

14

MEDICINE, by NANCY PERRI, taken by the

15

Plaintiff, pursuant to an Order, held at the

16

offices of Cullen & Dkyman, Esqs., 44 Wall

17

Street, New York, New York, before a Notary

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Public of the State of New York.

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A P P E A R A N C E S :

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4

COSTELLO & COSTELLO, ESQS.

Attorneys for Plaintiff

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5919 20th Avenue

Brooklyn, New York 11204

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BY: JOSEPH R. COSTELLO, ESQ.

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8

CULLEN & DYKMAN, ESQS.

Attorneys for the Defendant

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100 Quentin Roosevelt Boulevard

Garden City, New York 11530

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BY: JUSTIN CAPUANO, ESQ.

File No. 11001-11

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND

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AGREED by and between the counsel for the

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respective parties hereto, that the filing,

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sealing, and certification of the within

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deposition shall be and the same are hereby

10

waived;

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IT IS FURTHER STIPULATED AND

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AGREED that all objections, except as to the

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form of the question, shall be reserved to

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the times of the trial.

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IT IS FURTHER STIPULATED AND

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AGREED that the within deposition may be

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signed before any Notary Public with the same

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force and effect as if signed and sworn to

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before this court.

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* * * *

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1

2 N A N C Y P E R R I, called as a witness,
3 having been first duly sworn by a Notary
4 Public of the State of New York, was examined
5 and testified as follows:

6 EXAMINATION BY

7 MR. COSTELLO:

8 Q. Please state your name for the
9 record.

10 A. Nancy Perri.

11 Q. What is your business address?

12 A. 630 Highway 1, North Brunswick,
13 New Jersey 08902.

14 Q. Good morning, Dr. Perri. How
15 are you today?

16 A. Good, thank you.

17 Q. My name is Joseph Costello. I
18 represent the plaintiff Anand Dasrath in this
19 case against Ross University today.

20 I'm going to be asking you a
21 series of questions about that lawsuit.

22 As you can see we have the
23 court reporter here today so we ask that your
24 responses be verbal.

25 If you do not understand any

1 A. DASRATH

2 question, please tell me and I will rephrase
3 it.

4 If you do not hear the
5 question, please tell me, I'll have the court
6 reporter read it back to you.

7 A. Okay.

8 Q. I also ask that you wait until
9 I finish the question before you respond
10 because the court reporter is not able to
11 take down the two of us talking at the same
12 time.

13 So far do you understand these
14 instructions?

15 A. Yes.

16 Q. If you don't tell me you don't
17 understand the question, I will assume you
18 did understand it.

19 A. Okay.

20 Q. So I will continue.

21 If you need to take a break,
22 please tell me. I only ask that you wait
23 until you answer the question before you ask
24 for a break.

25 A. Okay.

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6

1 A. DASRATH

2 Q. Have you taken any medication
3 today that would inhibit your ability to
4 testify today?

5 A. No.

6 Q. Did you review any document in
7 preparation for your testimony today?

8 A. Today, no.

9 Q. You are employed by whom?

10 A. Ross University.

11 Q. And that address that you gave
12 at 630 U.S. Highway 1, North Brunswick, New
13 Jersey, is that the main office of Ross?

14 A. Yes.

15 Q. Are there any campuses?

16 A. Yes.

17 Q. Can you please tell me those
18 addresses?

19 A. Portsmouth, Dominica.

20 Q. Is there a physical address or
21 just Portsmouth, Dominica?

22 A. Portsmouth, Dominica. St.
23 Kitts, Grand Bahama, Freeport.

24 Q. Is that the third one?

25 A. That's the third one. And then

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7

1 A. DASRATH

2 additionally there are sixty-nine clinical
3 training affiliates in the United States for
4 the School of Medicine.

5 And twenty-one clinical
6 training affiliates in the United States for
7 the School of Veterinarian Medicine.

8 Q. What is your position with
9 Ross?

10 A. I'm the chief academic officer
11 for Ross University.

12 Q. Chief academic officer?

13 A. Yes.

14 Q. How long have you been the
15 chief academic officer?

16 A. Eight and a half months.

17 Q. What did you do prior to
18 that?

19 A. I was the vice president of
20 academic affairs at Ross University.

21 Q. How long did you hold that
22 position?

23 A. Since January of 2004 through
24 January of this year.

25 Q. What did you do before you were

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8

1 A. DASRATH

2 the vice president of academic affairs at
3 Ross?

4 A. I was the dean of clinical
5 sciences.

6 Q. Did you graduate from Ross
7 University?

8 A. Yes.

9 Q. When did you graduate?

10 A. 1982.

11 Q. Did you immediately go to work
12 for them after that?

13 A. No.

14 Q. What did you do upon
15 graduation?

16 A. I completed internal medicine
17 post graduate training program.

18 Q. Where?

19 A. St. Elizabeth Hospital, in
20 Elizabeth, New Jersey.

21 Q. When did you do that?

22 A. From 1982 through 1985.

23 Q. And from 1985 until -- well,
24 what did you do after that?

25 A. I completed a fellowship in

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9

1 A. DASRATH

2 transplant nephrology.

3 Q. That was from what year?

4 A. 1985 through 1987.

5 Q. After 1987, what did you do
6 next?

7 A. I completed a post doctoral
8 training in transplant medicine.

9 Q. Up to what year was that?

10 A. Until 1990.

11 Q. And from 1990 until -- what
12 did you do from 1990 on?

13 A. I joined Ross University.

14 Q. In 1990?

15 A. Yes.

16 Q. What was your first position at
17 Ross?

18 A. Dean of clinical sciences.

19 Q. That was 1990 through what
20 year?

21 A. Through 2003.

22 Q. That would be December of
23 2003?

24 A. Correct.

25 Q. As dean of clinical sciences,

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10

1 A. DASRATH

2 what was your job description?

3 A. Primarily my job was to procure
4 and design clinical educational partnerships
5 for students at the School of Medicine,
6 recruit clinical faculty and I assumed the
7 regulatory role for the School of Medicine.

8 Q. What do you mean when you say
9 assumed?

10 A. Assume the regulatory role.

11 Q. That was the position they gave
12 you?

13 A. Yes.

14 Q. And you did that until 2003?

15 A. Until the end of 2003, yes.

16 Q. And then in January of 2004 you
17 were promoted to vice president of academic
18 affairs?

19 A. Yes.

20 Q. What was your job description
21 at that?

22 A. In addition to the School of
23 Medicine, academic activities I oversaw the
24 School of Veterinarian Medicine academic
25 activities as well.

1 A. DASRATH

2 Q. So, it would be similar to your
3 role as dean of clinical services?

4 A. A bit different.

5 Q. How is it different?

6 A. It involved an additional
7 program of education. The medical school is
8 a program of medical education, the
9 veterinarian school is a program of
10 veterinarian education.

11 Q. And then in January of this
12 year, you were promoted to chief of academic
13 offices?

14 A. Yes.

15 Q. What is your role as chief of
16 academic offices?

17 A. In addition to the School of
18 Veterinarian Medicine and the School of
19 Academic Responsibilities, I assumed
20 responsibility for faculty recruitments,
21 faculty development, student professional
22 development, graduate education in the
23 regulatory role of both the medical and
24 veterinarian school.

25 Q. Can you be more specific as to

1 A. DASRATH

2 what you do in assuming these rolls?

3 A. The regulatory role is mainly
4 the accreditation of both programs, medical
5 education and veterinarian education.

6 Both are accrediting agencies
7 that are mandated to a credit program of
8 medical education and veterinarian education
9 and any voluntary body the school applies to
10 for the purposes of approval of licensures.

11 I'm also the liaison for the
12 U.S. Department of Education.

13 Q. Is your duty to oversee how
14 students are admitted, how faculties are
15 recruited?

16 A. Yes.

17 Q. As part of your duties as chief
18 academic officer and enrolling students,
19 shall we say, what documents do you review in
20 order to accept a student at Ross University?

21 A. The documents that I review is
22 to ensure that the faculty, committees of
23 both the medical school and veterinarian
24 school assume their responsibilities as a
25 committee to make recommendation to the dean

1 A. DASRATH

2 at either program, to either accept a
3 students or not accept a student.

4 Q. What do you base that on?

5 A. Policy. There is prerequisite
6 determinations as to, whether or not, a
7 student is acceptable to either the program
8 of medicine or veterinarian medicine.

9 Q. What are those prerequisites?

10 A. The standard prerequisite
11 requirements or the present medical and
12 veterinarian requirements include, but are
13 not limited to a year of biology with
14 laboratory sciences at an undergrad
15 institution.

16 A year of inorganic chemistry
17 with laboratory, a year of organic chemistry
18 with laboratory, six months or one semester
19 of physics. One semester of mathematics and
20 at least a semester of humanities.

21 Q. So, these students as they
22 apply they had to have passed these courses
23 in order to be considered for the position?

24 A. They have to take those courses
25 and pass those courses.

1 A. DASRATH

2 Q. At undergrad school?

3 A. Correct.

4 Q. Is there a certain GPA that
5 Ross University requires from that
6 undergraduate school before they even
7 consider accepting the student?

8 A. No.

9 Q. Approximately, how many
10 applications do you receive, let's say in a
11 year?

12 A. I can't be absolutely certain
13 without looking, but approximately 1,800
14 annually at the medical school and probably
15 1,000 at the veterinarian school.

16 Q. So, about 2,800 total?

17 A. Approximately.

18 Q. Of those 1,800 that are
19 accepted to the medical school, shall we say,
20 do you know the graduation?

21 A. Those aren't accepted, those
22 are applications.

23 Q. Of the 1,800 that are accepted,
24 approximately how many of those 1,800
25 graduate?

1 A. DASRATH

2 A. In how many years?

3 MR. CAPUANO: I'm going to
4 object, but in relation to the lawsuit,
5 it seems a little tangential.

6 MR. COSTELLO: It is just
7 background information.

8 MR. CAPUANO: It is your
9 deposition, but it seems completely
10 irrelevant.

11 At some point let's steer back.

12 MR. COSTELLO: I will move on,
13 but if she can just answer that
14 question.

15 A. Can I ask a question? Clarify
16 how many years?

17 Q. Let me ask you this way.

18 How many years is the medical
19 school program?

20 A. The medical school program is a
21 four-year program. The veterinarian program
22 is a four and a half year program.

23 Q. Is there twelve months in the
24 year or is it broken up into semester,
25 trimesters?

1 A. DASRATH

2 A. It is broken up into
3 trimesters.

4 Q. So, the medical school are four
5 years?

6 A. Yes.

7 Q. So, for the 1,800 enrolled for
8 the medical program, let's say, do you have
9 an idea how many of those students graduate?

10 A. The 1,800 are not enrolled.
11 They apply.

12 Q. How many are accepted?

13 A. Probably fifty percent of
14 those.

15 Q. In 2006 as the vice president
16 of academic affairs, you would have been
17 familiar with the enrollment process at Ross,
18 correct?

19 A. Correct.

20 Q. When a student applies and is
21 there afterward accepted, does Ross at that
22 point ask for any money, for tuition, books,
23 an application fee?

24 A. There is a tuition charge for
25 both the School of Medicine and the

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17

1 A. DASRATH

2 Veterinarian School of Medicine.

3 Q. In 2006, do you know what that
4 tuition fee was?

5 A. I don't recall.

6 Q. Would it be reflected somewhere
7 in any document?

8 A. Yes.

9 Q. Back in your office?

10 A. Yes.

11 MR. COSTELLO: Justin, I will
12 follow up in writing.

13 I am going to call for the
14 production of that.

15 MR. CAPUANO: Are you going to
16 ask which document? It might have
17 already been produced.

18 MR. COSTELLO: She doesn't know
19 which document.

20 THE WITNESS: I didn't say I
21 didn't know which document.

22 MR. COSTELLO: She said she has
23 the record back in the office and she
24 hasn't reviewed anything in preparation
25 for her testimony today.

1 A. DASRATH

2 MR. CAPUANO: Why don't you ask
3 the follow-up question.

4 MR. COSTELLO: Read back my
5 last question.

6 (Whereupon, the referred to
7 question was read back by the
8 Reporter.)

9 Q. Do you know what document would
10 reflect the tuition cost for the year 2006?

11 A. Yes.

12 Q. What document would that be?

13 A. The catalog.

14 Q. That's the name, the Ross
15 University catalog?

16 A. The medical school catalog.

17 STPHRAO: Off the record.

18 (Whereupon, a discussion was
19 held off the record.)

20 MR. COSTELLO: Back on the
21 record.

22 I will follow-up in writing.

23 I'm going to call for
24 production of that 2006 school of
25 medicine catalog.

1 A. DASRATH

2 MR. CAPUANO: Taken under
3 advisement.

4 Q. So, after the student pays the
5 initial tuition, what happens next?

6 A. The students matriculate at the
7 program medical education or veterinarian
8 education.

9 Q. Before he matriculates, is he
10 or she sent notification that you have been
11 enrolled or accepted?

12 A. That happens before the tuition
13 exchange.

14 Q. Once they matriculate, with
15 that initial letter, it says that you need to
16 report on such and such a date to the
17 campus?

18 A. The acceptance letter is sent
19 to the student after the faculty committee
20 reviews an application, makes a
21 recommendation to the dean, the dean can
22 chose to accept that recommendation, amend
23 the recommendation or not accept the
24 recommendation and a student is sent an
25 acceptance letter.

1 A. DASRATH

2 Q. What would be grounds for
3 amending an acceptance letter?

4 A. If it was a transfer student
5 and a student was transferring into a
6 specific semester and the dean didn't feel
7 that the committee appropriately evaluated
8 credentials for purposes of transferring
9 credits.

10 Q. You mean transfer from one
11 medical school to Ross?

12 A. Transfer from one medical
13 school or a veterinarian school.

14 Q. And once the student
15 matriculates to Ross for the School of
16 Medicine, I'm speaking strictly of the School
17 of Medicine now so we will cut to the chase
18 on that.

19 They are then given their
20 course requirements?

21 A. Yes.

22 Q. And how are they given the
23 course requirements?

24 A. The student would be told that
25 they would matriculate if they are coming as

1 A. DASRATH

2 a first semester student.

3 They would be told when they
4 get to the campus what courses that they
5 would be taking and the campus is in
6 Dominica.

7 Q. But where would they actually
8 report, to Dominica or to North Brunswick?

9 A. To Dominica.

10 Q. What would be the first
11 semester requirements for a first year
12 medical student back again only 2006.

13 I don't know if they changed
14 since then.

15 A. They may have. I'm going to
16 speak from memory. Anatomy, physiology,
17 biochemistry, doctor patient society.

18 Q. What is doctor patient society?

19 A. It is a medical ethics course.
20 It is a didactic program.

21 Q. So, they have to take those
22 core classes?

23 A. They would be required
24 classes.

25 Q. And that's all for the first

1 A. DASRATH

2 semester?

3 A. First semester.

4 Q. And the first semester runs
5 from September to December?

6 A. The first semester runs three
7 times a year.

8 Q. Can you please explain that?

9 A. The medical school program runs
10 on a trimester basis so there is four intakes
11 annually.

12 The first intake of students in
13 January and intake of first semester students
14 in May and a third intake of first semester
15 students in September.

16 Q. And January, May and September
17 are all considered still first semesters
18 though?

19 A. Yes.

20 Q. After the student passes those
21 required, classes is he then matriculated
22 into a second semester?

23 A. Yes.

24 Q. What are the courses for the
25 second semester?

1 A. DASRATH

2 A. They would be part two of the
3 first semester courses.

4 Q. Part two of the, sorry. Gross
5 anatomy --

6 Q. Did you say first semester
7 courses?

8 A. Yes.

9 Q. And again, so then they go to
10 the third semester?

11 A. Correct.

12 Q. And do the courses change at
13 that point?

14 A. Yes.

15 Q. What do the courses become at
16 that point?

17 A. Pharmacology, micro biology,
18 pathology, introduction to clinical
19 medicine.

20 Q. What was the third one, I'm
21 sorry?

22 A. Pathology, micro biology.

23 Q. Pathology. And introduction to
24 clinic studies?

25 A. Clinical medicine.

1 A. DASRATH

2 Q. Are these practical courses or
3 theorhetical courses?

4 A. They are disciplined specific.
5 They are required course work in a medical
6 school. They are not theorhetical.

7 Q. So, it's not essentially
8 working on patients, let's say? It is
9 reading about the subject matter --

10 A. It would be both actually.
11 There is application of the disicipline.

12 Q. And then the students would
13 need to pass those four courses in order to
14 be matriculated to the fourth semester?

15 A. Right.

16 Q. What are the courses of the
17 fourth semester?

18 A. They are the second part of the
19 third semester.

20 Q. And then the fifth semester?

21 A. Advanced introduction to
22 clinical medicine.

23 Q. Is that typically referred to
24 as the AICM?

25 A. Yes.

1 A. DASRATH

2 Q. And what are the requirements,
3 I will just refer to the acronym if that is
4 okay?

5 A. Yes.

6 Q. What are the requirements of
7 the AICM course?

8 A. It's the first compulsory
9 clinical rotation.

10 Q. When you say first compulsory
11 clinical rotation, what do you mean?

12 A. The program is broken down into
13 two major parts. There is a pre-medical
14 education component and then there is a
15 clinical education component.

16 The advanced introduction to
17 clinical medicine is the clinical education
18 component.

19 Q. That is the first clinical?

20 A. Yes.

21 Q. And what courses are required
22 for the AICM?

23 A. It is a course within itself.
24 It is a 1-12C course and one-grade is issued
25 for it.

1 A. DASRATH

2 Q. That grade is issued at the end
3 of the course?

4 A. Yes.

5 Q. And that is based upon one
6 final exam?

7 A. No, it is based on a series of
8 activities that the student must successfully
9 complete.

10 Q. During the course of the
11 semester?

12 A. Yes.

13 Q. What are those activities?

14 A. They are practical activities,
15 history and physical taking skills, there are
16 written examinations based on didactic
17 components of the advanced introduction to
18 clinic medicine.

19 Q. When you say didactic
20 components, can you please expand on that?

21 A. In any clinical rotation there
22 is a component where a student is in a
23 hospital with a patient and traditionally
24 evaluated on their competency with their
25 approach on the patient of the physical

1 A. DASRATH

2 evaluation.

3 There are also components of
4 the clinical rotation where the faculty
5 members are required to teach in a classroom
6 setting.

7 That's preparation in any core
8 rotation, and then the student is tested on
9 that course material.

10 Q. What kind of an exam is it?

11 A. It could be written, it could
12 be an oral examination.

13 Q. Is that a professor preference,
14 let's say, or is it something that Ross
15 University dictates and say hey, it has to be
16 given this way?

17 A. It could be either.

18 Q. Do you know who was teaching
19 this course in 2006, in the spring of 2006?

20 A. I don't recall all the faculty
21 members' names.

22 Q. Would that be reflected in a
23 document back in your office?

24 A. Yes.

25 MR. COSTELLO: Justin, again I

1 A. DASRATH

2 will follow-up in writing, but I will
3 call for the production of the faculty
4 names that were doing the spring
5 semester 2006 to the extent they have
6 not been provided.

7 Q. So, what happens upon
8 completion of the AICM course with the
9 student, is he or she then matriculated to the
10 next semester, are they then -- do they have
11 to sit for another exam?

12 A. If the student completes the
13 advanced introduction of clinical medicine
14 program, they are then required to take and
15 pass the first step of the United States
16 medical licensing examination.

17 Q. Is that called a step I
18 or --

19 A. USMLE step I.

20 Q. Is there a break in between the
21 AICM and the issuance of the USMLE step I
22 exam?

23 A. Is there a break between the
24 step I -- I don't understand your question.

25 Q. For lack of a better term,

1 A. DASRATH

2 let's say like a spring break or a summer
3 break, there is a period of time that the
4 student is off from school during this
5 time?

6 A. No. There is not a period of
7 time where the student is required to take
8 any time off.

9 In accordance with the U.S.
10 Department of Education, the student can
11 apply at any time during an academic program
12 to take time off.

13 Q. But if a student doesn't apply
14 to take time off, the student remains
15 enrolled in the school?

16 A. If the student doesn't apply to
17 take time off, they will remain enrolled as
18 long as they are making satisfactory academic
19 progress.

20 Q. But, the satisfactory progress,
21 what are the courses that are giving, to be
22 taken between the USMLE step I and the
23 completion of the AICM?

24 A. Well, they have to complete
25 AICM to take USMLE step I.

1 A. DASRATH

2 Q. Correct, I understand that, but
3 if they complete the AICM?

4 A. Successfully complete it.

5 Q. Successfully complete it.

6 A. Right.

7 Q. There are no course
8 requirements between the AICM and the USMLE
9 step I exam?

10 A. Correct.

11 Q. So, what activities would a
12 student need to be for filling in order to
13 remain enrolled?

14 A. They would have to be
15 registered to take the first step of the
16 United States medical licensing examination
17 and take the examination on the date that
18 they registered for the exam.

19 Q. And how does a student register
20 for the USMLE step I exam?

21 A. There is a registration process
22 the student goes through with the National
23 Board of Medical Examiners. That is the
24 administrators of the examination.

25 Q. So, just so I'm clear.

1 A. DASRATH

2 They just have to register for
3 this National Board Medical Examiners?

4 A. And then the University
5 registrar has to confirm that they are making
6 satisfactory academic progress to take the
7 examination.

8 Q. Can you please explain the
9 process to register for the USMLE other than
10 the registering with the NBME?

11 A. National Board of Medical
12 Examiners. The student completes a
13 registration form with the National Board
14 Medical Examiners. They do that
15 electronically. It is done on-line.

16 The University registrar at the
17 School of Medicine has to confirm that the
18 student is eligible to take the examination.

19 Q. How does Ross University
20 confirm that the student is registered?

21 A. The student has to complete all
22 course work that is requisite to take the
23 examination.

24 Q. Is a student then issued or is
25 this application processed through Ross?

1 A. DASRATH

2 A. No, the application is not
3 processed through Ross. The application is
4 processed through the National Board of
5 Medical Examiners.

6 Q. But, at some point in time Ross
7 has to let the NBME --

8 A. They send it.

9 Q. What does Ross send, that the
10 student is making satisfactory progress?

11 A. I don't recall if they send --

12 Q. Let me ask it you this way.
13 How does Ross notify the board?

14 A. It is usually a signature from
15 the registrar that the student has either met
16 the requirement or has not met the
17 requirement to take the examination.

18 Q. Are you aware if Mr. Dasrath
19 applied for the USMLE step I exam?

20 A. I believe he did apply for the
21 USMLE step I examination.

22 Q. Were you aware he applied
23 twice?

24 A. I'm not aware that he applied
25 twice.

1 A. DASRATH

2 Q. Do you know when he applied for
3 the USMLE step I exam?

4 A. No, I don't.

5 Q. He would not have been able to
6 apply or any student for that matter would
7 not have been able to apply for the USMLE had
8 he not passed or had the student not passed
9 the AICM course; is that correct?

10 A. That is not correct.

11 Q. Why is that not correct?

12 A. A student can make application
13 to the National Board Medical Examiner any
14 time they want. It is an independent testing
15 agency. The university is required to
16 confirm the students' readiness to take the
17 exam or to notify the National Board of
18 Medical Examiners that they are not ready.

19 Q. And if they are not ready, what
20 happens?

21 A. The National Board of Medical
22 Examiners will not allow them to take the
23 exam.

24 If they do take the
25 examination, they will not release a grade.

1 A. DASRATH

2 Q. But they are still allowed to
3 sit for the exam, correct?

4 A. I don't know that to be the
5 case. That would be up to the National Board
6 of Medical Examiners.

7 Q. Do you know if Mr. Dasrath
8 passed the National Board Medical Exam or the
9 NBME?

10 A. I don't know.

11 Q. Would that be reflected in any
12 documents back at the school, let's say?

13 A. I don't know that either.

14 MR. COSTELLO: Justin, to the
15 extent it has not already been
16 provided, any document that would
17 reflect Mr. Dasrath's score for the
18 NBME.

19 MR. CAPUANO: To the extent
20 that we have them or it has already
21 been provided.

22 Q. So, in a situation where a
23 student fails the AICM course, he is not
24 eligible to make application for the USLME
25 step I?

1 A. DASRATH

2 A. That is not the case. The
3 University registrar cannot confirm to the
4 National Board Medical Examiners that the
5 students completed all the course work
6 successfully to take that examination.

7 Q. But a student would need to
8 receive some sort of certificate of
9 completion?

10 A. No.

11 Q. For the AICM?

12 MR. CAPUANO: Can you be more
13 specific what you have talking about.
14 I think it is getting a little
15 jumbled.

16 Q. So, a student does not need to
17 pass the AICM in order to apply for the USLME
18 step I, is that what you telling me?

19 A. That is what I'm telling you.

20 Q. Are you aware if Mr. Dasrath
21 received a certificate of commission for the
22 AICM course?

23 A. I don't know.

24 Q. Did you review his grades?

25 A. Yes.

1 A. DASRATH

2 MR. CAPUANO: Objection. I
3 know she spoke to you about that and
4 that was part of settlement
5 discussion.

6 MR. COSTELLO: No, that was a
7 little bit different. I didn't ask if
8 she reviewed his grades because of
9 Judge Reyes' statement during the
10 settlement discussion.

11 I'm asking as part of the
12 record now if she's ever reviewed his
13 grades during the course of his studies
14 at the school.

15 MR. CAPUANO: I don't think
16 that was clear in the question.

17 MR. COSTELLO: I will rephrase
18 the question.

19 Q. During the course of Mr.
20 Dasrath's enrollment at Ross University, did
21 you review his grades?

22 A. Yes.

23 Q. When?

24 A. I don't remember the exact
25 date, but it was a while ago I was asked to

1 A. DASRATH

2 look at his grade.

3 Q. Was it a year ago, two years
4 ago, was it three years ago, four years ago
5 or was it while he was still enrolled in
6 Ross?

7 A. It was after he was enrolled in
8 Ross.

9 Q. Do you recall what document you
10 reviewed --

11 MR. CAPUANO: Objection. I'm
12 not going to, because this was after
13 -- this is part of this litigation as
14 part of the settlement and I'm not
15 going to allow any questions on it.

16 MR. COSTELLO: Let's mark that
17 for a ruling, please.

18 Q. Are you aware that Mr. Dasrath
19 sat for the NBME, the National Board Medical
20 Examiners?

21 A. No, I'm not.

22 Q. Were you ever his instructor?

23 A. No.

24 Q. But, you are aware that he
25 submitted an application to take the USLME,

1 A. DASRATH

2 correct?

3 A. Correct.

4 Q. Do you recall what the outcome
5 of this application was?

6 A. I do.

7 Q. What would that be?

8 A. The University registrar
9 notified the National Board Medical Examiners
10 that Mr. Dasrath did not successfully
11 complete the AICM course.

12 Q. Did they notify Mr. Dasrath
13 that he did not successfully complete the
14 AICM course?

15 A. I don't know.

16 Q. Who would know?

17 A. Mr. Dasrath may know.

18 Q. Who from Ross University would
19 know? Would that be the registrar, he or
20 herself?

21 A. The University registrar.

22 Q. Do you know who the registrar
23 was back in 2006?

24 A. I believe it was Mr. Michael
25 Rendon.

1 A. DASRATH

2 Q. Is he still with the school?

3 A. No.

4 MR. COSTELLO: I'm going to
5 call, to the extent it is available,
6 Mr. Rendon's current address or any
7 current place of employment.

8 Q. So, then at what point in time
9 after the application for the USLME, if it is
10 applicable, would you become involved with
11 the student's grading or enrollment at
12 Ross?

13 A. Can I get clarification on
14 that?

15 Q. Yes. You stated that you are
16 not aware of whether he sat for the NBME, you
17 are aware that he did file, make a filing
18 application to take the USLME step I, but it
19 was rejected.

20 You don't know when, or why,
21 but it was rejected by the registrar's
22 office.

23 At what point in time were you
24 made aware of these transactions?

25 MR. CAPUANO: I'm sorry, I

1 A. DASRATH

2 don't think she testified that the
3 USLME was rejected by the registrar's
4 office.

5 MR. COSTELLO: She testified
6 that the registrar would notify the
7 governing body, let's say that it was
8 rejected.

9 A. No, that is not what I said.

10 Q. What did you say?

11 A. I said the University registrar
12 would have notified the National Board of
13 Medical Examiners that the student didn't
14 successfully complete all the course work
15 required to take the examination.

16 Q. Would you be made aware of
17 that?

18 A. No. In general terms, no.

19 Q. What do you mean when you say
20 in general terms no, you would not be made
21 aware of that?

22 A. If a student applies to the
23 National Board of Medical Examiners to take
24 the USLME step I, and a student does not
25 successfully complete all the course work

1 A. DASRATH

2 prior to taking that exam and if the
3 University registrar had to notify the
4 National Board of Medical Examiners that that
5 was the case, they would not be required to
6 notify me that they were doing that.

7 Q. So, this all goes through the
8 registrar's office or a good part of it goes
9 through the registrar's office?

10 A. The University registrar would
11 notify the National Board of Medical
12 examiners if the student did not successfully
13 complete the requirements to take the
14 examination.

15 Q. In order to sit for the USLME,
16 the student has to pass the AICM, correct?

17 A. Correct.

18 Q. Are you aware that Mr. Dasrath
19 sat for the USLME?

20 A. No, I'm not.

21 Q. Are you aware that he passed
22 basisc science curriculum?

23 A. The basic science courses?

24 Q. Yes.

25 MR. CAPUANO: Objection.

1 A. DASRATH

2 A. Yes.

3 MR. COSTELLO: What is your
4 objection?

5 MR. CAPUANO: It is not
6 established whether he actually did
7 pass or not.

8 Objection as to form.

9 MR. COSTELLO: She answered the
10 question.

11 Q. From Ross University.

12 MR. CAPUANO: To the extent you
13 know the answer.

14 A. I don't recall exactly.

15 There are a number of things
16 that could happen in order for a student to
17 be administratively withdrawn from the
18 program.

19 Q. Can you elaborate on some of
20 these events?

21 A. Sure. If the students fails to
22 register, if the student fails to return from
23 a leave of absence that he or her applied
24 for, those would be the two primary reasons.

25 Q. Are you aware if Mr. Dasrath

1 A. DASRATH

2 ever applied for a leave of absence?

3 A. I am not aware.

4 Q. Do you know if he ever failed
5 to register?

6 A. Yes.

7 Q. He did fail to register,
8 correct?

9 A. Yes.

10 Q. When did he fail to register?

11 A. After Mr. Dasrath did not
12 successfully complete the advanced
13 introduction to clinical medicine course, he
14 didn't re-register to take the course again.

15 Q. Isn't it true though that the
16 student remains fully enrolled after the
17 AICM course?

18 A. If they successfully complete
19 it.

20 Q. But I believe you testified
21 earlier that if he's fulfilling the
22 requirements for the USLME, he remains fully
23 enrolled?

24 MR. CAPUANO: Objection. That
25 is not her testimony, but she can

1 A. DASRATH

2 answer.

3 A. I don't remember saying that.

4 However, Mr. Dasrath did not successfully

5 complete the advanced introduction to

6 clinical medicine course.

7 Q. What particular course in the

8 AICM did he not successfully complete?

9 A. The AICM is one course. There

10 is one grade transcribed for the course.

11 Q. When did he fail this course?

12 A. I don't remember the exact

13 date.

14 MR. CAPUANO: By course, you

15 are referring to the AICM?

16 MR. COSTELLO: Yes.

17 Q. Do you know the reason why he

18 received a failing grade?

19 A. I didn't complete all

20 components of the course successfully.

21 Q. Can you be more specific as to

22 what components he did not complete?

23 A. Not without looking at the

24 documents, no.

25 Q. What documents would help

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45

1 A. DASRATH

2 you?

3 A. I would have to look at the
4 grade sheet.

5 Q. When you say grade sheets, you
6 mean his transcript?

7 A. No.

8 Q. What are the grade sheets, the
9 tests?

10 A. Grade sheets are kept by the
11 examination center and they reflect student's
12 grades in each test that they take or
13 clerkship that they do.

14 Q. Where are those grade sheets?

15 A. The exam center is in Dominica
16 and there is an exam center in Miami.

17 Q. Do you have a campus in
18 Miami?

19 A. Pardon me?

20 Q. Do you have a campus in Miami?

21 A. No, it is a clinical location.

22 Q. For both medicine and
23 veterinarian school?

24 A. No, just medical school.

25 MR. COSTELLO: Just to the

1 A. DASRATH

2 extent not already provided, I'm going
3 to call for production of the exam
4 sheet for the AICM course for Mr.
5 Dasrath.

6 MR. CAPUANO: That is fine. To
7 the extent they haven't been provided
8 we will provide it.

9 Please follow it up in
10 writing.

11 Q. Typically what is the time
12 frame between once an exam is given by a
13 professor and the release of the scores to
14 the students?

15 MR. CAPUANO: Objection.

16 Q. In other words, I don't want to
17 speak in hypotheticals, but if an exam is
18 given in June, when does a student typically
19 receive his or her score?

20 A. Results of an exam, the
21 students would know in short order, whether
22 or not, they passed an examination.

23 Q. What do you mean when you say a
24 short order?

25 A. A week or two.

1 A. DASRATH

2 Q. Would they be notified in
3 writing or orally?

4 A. No, the grades are posted
5 generally and they are shared with the
6 students electronically.

7 Q. After Mr. Dasrath was given
8 this failing grade to the AICM, did he
9 attempt to contact you?

10 A. I don't recall.

11 Q. Do you recall ever receiving an
12 e-mail or a phone call from him regarding his
13 failing grade?

14 A. I believe I did.

15 Q. Do you recall when?

16 A. No, I don't.

17 Q. Did you try to assist him with
18 their failing grade at any point in time?

19 A. I don't understand the nature
20 of your question.

21 MR. COSTELLO: I will withdraw
22 that question.

23 Can you please read back my
24 last question?

25 (Whereupon, the referred to

1 A. DASRATH

2 question was read back by the
3 Reporter.)

4 Q. Do you recall if you received a
5 phone call or an e-mail from Mr. Dasrath
6 regarding the failing grade in the AICM?

7 A. I believe I saw an e-mail.

8 MR. COSTELLO: Would you mark
9 this document, please.

10 (Whereupon, the aforementioned
11 e-mail was marked as Plaintiff's
12 Exhibit 1 for identification, as of
13 this date, by the Reporter.)

14 Q. Dr. Perri, you now have in
15 front of you what has been marked as
16 Plaintiff's Exhibit 1.

17 Can you please take a look at
18 it and let me know when you are finished.

19 MR. CAPUANO: Can we clarify
20 that the highlighting or the -- that
21 magic marker was not originally in it.

22 Was that done by your office?

23 MR. COSTELLO: No, it wasn't
24 done by my office.

25 MR. CAPUANO: Okay.

1 A. DASRATH

2 A. Okay.

3 Q. Have you had a chance to review
4 it?

5 A. Yes.

6 Q. Do you recall if this is the
7 e-mail that you received from Mr. Dasrath?

8 A. Yes.

9 Q. He said on May 8th he spoke to
10 you about his failed grade in the Miami
11 program and you promised to speak to Dr.
12 Fernandez?

13 A. Yes.

14 Q. Do you recall if you ever spoke
15 to Dr. Fernandez about that?

16 A. Yes, I did.

17 Q. Do you recall when you spoke to
18 Dr. Fernandez?

19 A. No, I don't.

20 Q. Do you recall the sum and
21 substance of the conversation that you had
22 with Dr. Fernandez?

23 A. No.

24 Q. Do you recall where you were
25 when you had the conversation with Dr.

1 A. DASRATH

2 Fernandez?

3 A. No.

4 Q. Do you recall how many times
5 you spoke to Dr. Fernandez about this?

6 A. Can you clarify over what
7 course of time?

8 Q. From the time of May 12th, 2006
9 when you received the e-mail and your
10 response at about 1:17 that day, where you
11 state that you were still waiting to speak
12 with him, did you speak to him after May
13 12th, 2006?

14 A. I did speak with him after May
15 12th, 2006.

16 Q. Do you recall the day?

17 A. No, I don't.

18 Q. Do you recall the sum and
19 substance of that conversation?

20 A. Can you clarify regarding
21 specifically to this?

22 Q. Yes, regarding this e-mail and
23 the failing grade?

24 A. I don't remember specifically
25 about this e-mail, although I did speak to

1 A. DASRATH
2 him about Mr. Dasrath's e-mail to me about
3 failing, his failed grade in the Miami
4 program.

5 Q. Did you also state to Mr.
6 Dasrath that you would look into why he
7 received a C, a grade of C?

8 MR. CAPUANO: Objection. What
9 are you referring to?

10 Q. In your response on May 12th at
11 approximately 1:17, you stated that you would
12 follow-up with Dr. Fernandez when you get the
13 details from him.

14 Do you recall what details you
15 were speaking about, referring to?

16 A. I don't recall the details in
17 2006 that I was talking about.

18 Q. Do you know if you ever got the
19 details from him?

20 A. From Dr. Fernandez?

21 Q. Yes.

22 A. Yes.

23 Q. Were those details provided to
24 you in writing or was that a conversation
25 that you had with him?

1 A. DASRATH

2 A. I don't recall.

3 Q. Did there come a point in time
4 again while he was enrolled at Ross that you
5 reviewed Mr. Dasrath's grades?

6 MR. CAPUANO: Essentially prior
7 to April 2006 or May 2006.

8 MR. COSTELLO: It should be
9 subsequent to May of 2006.

10 You said while he was
11 enrolled?

12 MR. COSTELLO: Correct.
13 Because as of May 12th, he was still
14 enrolled.

15 MR. CAPUANO: We won't get into
16 that, but essentially you are talking
17 about from 2006 earlier.

18 MR. COSTELLO: Well, define
19 when in 2006. Because she's testified
20 about that she reviewed.

21 MR. CAPUANO: While he was
22 enrolled.

23 MR. COSTELLO: While he was
24 enrolled, yes.

25 Q. Do you recall how many times

1 A. DASRATH

2 you reviewed Mr. Dasrath's grades?

3 A. While he was enrolled in the
4 school of medicine once.

5 Q. Do you recall when that was?

6 A. It was around the specific
7 time.

8 Q. Around May of 2006?

9 A. Around that time. I don't know
10 specifically the date.

11 Q. But, as of May 2006 Mr. Dasrath
12 would have completed the NBME, correct?

13 A. I don't know.

14 Q. And then he would have made
15 application for the USLME step I?

16 A. I don't know.

17 Q. Did there come a point in time
18 that Ross withdrew its sponsorship for Mr.
19 Dasrath for the USLME?

20 A. Yes.

21 Q. Do you recall when that was
22 made?

23 A. No.

24 Q. Do you recall who withdrew the
25 sponsorship of Mr. Dasrath for the USLME?

1 A. DASRATH

2 MR. CAPUANO: Objection. You
3 mean the specific individual who
4 communicated?

5 MR. COSTELLO: Yes.

6 A. As I recall, it was the
7 University registrar.

8 Q. But, upon completion of the
9 AICM and NBME, the student is then advised
10 that he passed and he can now apply for the
11 USLME, correct?

12 A. I think you are confusing,
13 there is USLME step I and step two, CS and CK
14 are administered by the National Board of
15 Medical Examiners. So, they are not two
16 entities. That is what I'm inferring from
17 your question that we are taking about two
18 different entities.

19 MR. COSTELLO: Can we mark
20 this, please.

21 (Whereupon, the aforementioned
22 document was marked as Plaintiff's
23 Exhibit 2 for identification, as of
24 this date, by the Reporter.)

25 Q. Dr. Perri, I now show you what

1 A. DASRATH

2 has been marked as Plaintiff's 2. Please
3 take a moment to look at that document and
4 let me know when you are ready.

5 A. Okay.

6 Q. Plaintiff's Exhibit 2, can you
7 please describe in your words what it says?

8 A. This is a letter from Ms.
9 Sena.

10 Q. Who is Ms. Sena?

11 A. Brijette Sena. She works in
12 the University -- she worked in the
13 University registrar's office.

14 Q. She is no longer employed by
15 Ross?

16 A. She is employed by Ross.

17 Q. She is employed by Ross?

18 A. Yes.

19 Q. What is her title now?

20 A. She is the associate director
21 of the Office of Students and Professional
22 Development.

23 Q. I'm sorry, you were saying that
24 this was a letter from Ms. Brijette Sena?

25 A. To the students giving them

1 A. DASRATH

2 instruction about their registration
3 deadlines for various windows to sit for the
4 step I examination after they completed the
5 NBME comprehensive exam.

6 Q. But, in order to complete the
7 NBME comprehensive exam, they would have had
8 to pass the AICM, correct?

9 A. No.

10 Q. Is that not part of the
11 requirements for sitting or applying for the
12 NBME?

13 A. You must successfully complete
14 the comp. The comp. is a self assessment
15 preparatory course for the, preparatory
16 examination for the USLME step I.

17 Q. The comp.?

18 A. The comp.

19 Q. I'm sorry?

20 A. The National Board of Medical
21 Examiner comprehensive examination is an
22 examination that the National Board of
23 Medical Examiners produces, that
24 institutions, medical school programs can
25 utilize, if they choose to allow their

1 A. DASRATH

2 students to self-assess there readiness for
3 the USLME step I examination.

4 Q. So, if they are eligible to sit
5 for the USLME they would have had to complete
6 the comprehensive exam, correct?

7 A. The comp., correct.

8 Q. And it states here that the
9 eligibility period is between April 1st and
10 September 30th of 2006?

11 A. That is for step I.

12 Q. The USLME step I?

13 A. Right.

14 MR. COSTELLO: Can you please
15 mark this as Plaintiff's Number 3.

16 (Whereupon, the aforementioned
17 part C medical education and employment
18 information document was marked as
19 Plaintiff's Exhibit 3 for
20 identification, as of this date, by the
21 Reporter.)

22 Q. You have now before you what is
23 marked as Plaintiff's Exhibit 3.

24 Do you recognize this document?

25 A. Yes.

1 A. DASRATH

2 Q. Can you please tell me what
3 this is?

4 A. This is a student application.

5 Q. Application for what?

6 MR. CAPUANO: While Dr. Perri
7 is reviewing this, this is only seven
8 of seven, the only page that is
9 produced is page seven of seven.

10 MR. COSTELLO: Yes.

11 A. This is a student application
12 to the Educational Commission for Foreign
13 Medical Graduate.

14 Q. And this application is for the
15 USLME step I?

16 A. Correct. Or any part of the
17 United States medical licensing examination.
18 It is fairly generic.

19 Q. This is the application whether
20 it be step I, II, III?

21 A. Correct.

22 Q. Obviously Mr. Dasrath only
23 applied for step I?

24 A. Right.

25 Q. This document is dated March

1 A. DASRATH

2 12th, 2006, correct?

3 MR. CAPUANO: Where do you see
4 that?

5 MR. COSTELLO: Next to Mr.
6 Dasrath's signature.

7 MR. CAPUANO: That is December
8 3rd, 2006.

9 MR. COSTELLO: Not, it is day,
10 month, year.

11 A. I'm sorry, yes. Mr. Dasrath
12 dated it March the 12th, 2006.

13 Q. He would have dated that date
14 because at that point he was eligible to sit
15 for the USLME step I exam, correct?

16 MR. CAPUANO: Objection.

17 A. I don't know why he dated is
18 that day.

19 Q. Ms. Sena dated it March 20th,
20 2006 and the application itself on the
21 right-hand side states going down, vertically
22 2006.

23 So, at this point in time when
24 Mr. Dasrath made application he was enrolled
25 at Ross, correct?

1 A. DASRATH

2 A. Correct.

3 MR. CAPUANO: You mean March
4 12th of 2006, when you say the date.

5 MR. COSTELLO: You lost me.

6 MR. CAPUANO: You just said the
7 date. You didn't specify which date.
8 There are several dates on this
9 document.

10 MR. COSTELLO: I see this date,
11 but I'm referring to the date that Mr.
12 Dasrath signed it and the date that
13 Brijette Sena signed it. So, March of
14 2006.

15 Q. Is this the application that
16 you are aware of that Mr. Dasrath filed with
17 the ECFMG which was rejected?

18 A. I don't know that.

19 Q. Would the reason why the
20 application was rejected be reflected
21 somewhere in the office of Ross, or in your
22 office?

23 A. No.

24 Q. Are you aware that after this
25 application, do you know if Ross collected

1 A. DASRATH

2 any money from Mr. Dasrath for tuition?

3 A. I don't know.

4 Q. Are you aware when Ross
5 notified the ECFMG of his failing grade of
6 the AICM?

7 A. No, I don't.

8 Q. Do you know who would know
9 that? Would that be the registrar?

10 A. Most likely.

11 MR. COSTELLO: Justin, again
12 and I will follow-up in writing to the
13 extent we don't have them, his
14 registrar's record.

15 MR. CAPUANO: Okay.

16 Q. Do you recall when Ross
17 withdrew its sponsorship for Mr. Dasrath for
18 the USLME?

19 A. No.

20 Q. Would that be in the
21 registrar's record as well, the reason or the
22 date I should say of when his sponsorship for
23 the USLME was?

24 A. It may be.

25 Q. Going back to the failing

1 A. DASRATH

2 grade. If a student fails a grade, does he
3 or she not have the right to inspect the
4 grade and the exam upon which that failing
5 grade was based?

6 MR. CAPUANO: Objection. I
7 think you just stated a double
8 negative.

9 Can you rephrase?

10 Q. If a student fails a grade, do
11 they not have a right to inspect the exam?

12 MR. CAPUANO: You did it
13 again.

14 Q. Can a student inspect his exam
15 if he falls?

16 A. If he requests to, yes.

17 Q. Does the request have to be in
18 writing?

19 A. No.

20 Q. Do you know if Mr. Dasrath
21 requested to examine his grades?

22 A. I don't know.

23 Q. Who would he have to make that
24 request to?

25 A. Either the course director, the

1 A. DASRATH

2 clerkship director.

3 Q. Do you know who his course
4 director was for the AICM?

5 A. Dr. Enrique Fernandez.

6 MR. COSTELLO: Let's take a
7 short break.

8 (Whereupon, a short recess was
9 taken.)

10 MR. CAPUANO: She needs to
11 clarify something.

12 A. You had asked the question
13 earlier if I reviewed any documents related
14 to this and I had commented I didn't review
15 any documents today and that's true. I
16 didn't review any documents today, but I have
17 reviewed documents related to this matter in
18 the past.

19 Q. What kind of documents?

20 A. The academic record. Students
21 file.

22 Q. Do we have a complete copy of
23 that file?

24 MR. CAPUANO: Essentially she
25 didn't review anything that has not

1 A. DASRATH

2 been produced to make it easier.

3 MR. COSTELLO: And that was
4 provided in your initial disclosure or
5 was it a combination of the two
6 disclosures?

7 MR. CAPUANO: I think we made
8 three different productions now. I
9 can't say which productions were
10 reviewed.

11 It was probably all three and
12 including what you provided.

13 MR. COSTELLO: But, nothing has
14 been left out?

15 MR. CAPUANO: She didn't review
16 or look at anything that hasn't been
17 produced by either party.

18 MR. COSTELLO: Can we have this
19 marked, please, document entitled once
20 again, part C, medical education and
21 employment information.

22 (Whereupon, the aforementioned
23 part C, medical education and
24 employment information was marked as
25 Plaintiff's Exhibit 4 for

1 A. DASRATH

2 identification, as of this date, by the
3 Reporter.)

4 Q. Dr. Perri, you now have in
5 front of you what has been marked as
6 Plaintiff's Exhibit Number 4.

7 Can you please take a look at
8 it and review it and let me know when you are
9 finished?

10 A. Okay.

11 Q. Do you recognize this
12 document?

13 A. Are you asking if I
14 recognize -- I recognize the document. I
15 don't necessarily recognize it as a completed
16 document.

17 MR. COSTELLO: I move to strike
18 that portion that is non-responsive.

19 MR. CAPUANO: You can't strike
20 the response, it is a response, but
21 that is fine. Just continue.

22 Q. What has been marked as
23 Plaintiff's Exhibit 4, can you please
24 describe what it is?

25 A. It is again an application for

1 A. DASRATH

2 the educational commission for the foreign
3 medical graduate.

4 Q. It is a similar document to
5 Plaintiff's Exhibit 3 which was an
6 application for the USLME step I exam?

7 A. Correct.

8 Q. And that is dated April 27th or
9 signed by Mr. Dasrath on April 27th, 2006,
10 correct?

11 A. Correct.

12 Q. And it looks like signed by
13 Brijette Sena on May 5th, 2006?

14 A. Correct.

15 Q. Do you know why there was a
16 second application submitted for the USLME
17 step I exam?

18 A. I don't know.

19 Q. When does a student become
20 eligible to take the USLME step I exam?

21 A. When they successfully complete
22 all the University requirements to take the
23 examination.

24 Q. What are the University
25 requirements?

1 A. DASRATH

2 A. The students must successfully
3 complete all their course work.

4 Q. What does the course work
5 consist of?

6 A. This clinical course work,
7 their compulsory first clinical courtship
8 which is the advanced introduction to the
9 clinical medicine course.

10 Q. That is the AICM?

11 A. The AICM and the comp.

12 Q. Pass the NBME?

13 A. The comp., the comprehensive.

14 Q. That is not or that is the
15 NBME?

16 A. The NBME comp. There are
17 different exams.

18 Q. So, this is a comp. exam. And
19 the AICM consist of what courses?

20 A. It is a course within itself.

21 Q. Upon completion of the AICM the
22 student is given a certificate of completion?

23 A. No.

24 Q. How are they notified that they
25 have successfully completed?

1 A. DASRATH

2 A. I believe their grades are
3 posted on e-college.

4 Q. Posted where, I'm sorry?

5 A. E-college.

6 MR. COSTELLO: Can you please
7 mark this document, please.

8 (Whereupon, the aforementioned
9 document was marked as Plaintiff's
10 Exhibit 5 for identification, as of
11 this date, by the Reporter.)

12 Q. Have you had a chance to review
13 that document?

14 A. Yes.

15 Q. In your own words, can you
16 please describe what that document is?

17 A. This is a document that is
18 attached to each and every evaluation form at
19 the school of medicine.

20 Q. Would it not be given unless
21 the student had completed the AICM?

22 A. That document would come back
23 to the University from the clinical training
24 site with an evaluation of performance. The
25 evaluation of performance would have this

1 A. DASRATH

2 attached, whether the student passed the
3 rotation or failed the rotation.

4 Q. It would not be issued unless
5 the student had completed the AICM, correct?

6 A. Correct.

7 Q. When does the student become
8 eligible for a clinical clerkship?

9 A. They become eligible for the
10 first compulsory clinical clerkship which is
11 the advanced introduction to clinical
12 medicine once they successfully complete all
13 their pre-clinical requirements on the campus
14 in Dominica.

15 Q. Which I think we already
16 established before.

17 A. Correct.

18 Q. Is that an actual clinical
19 clerkship where it would be more hands-on,
20 let's say?

21 A. This is all clinical
22 education. We can debate that. I don't know
23 if you really want to go there.

24 MR. CAPUANO: I think her point
25 is that it is semantics probably.

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1 A. DASRATH

2 A. Yes.

3 Q. So, there is no actually
4 hands-on training is what you are saying?

5 A. It's hands-on training in every
6 component of medical education.

7 Q. From semester one up to
8 graduation?

9 A. Now there is, absolutely.

10 Q. I'm not speaking about now.
11 I'm speaking 2006.

12 A. I don't know how much hands-on
13 there was in 2006.

14 Q. I believe you testified earlier
15 that Mr. Dasrath was administratively
16 withdrawn because he failed to re-register
17 after failing the AICM.

18 When a student is
19 administrative withdrawn what is the
20 procedure? How is he or she notified?

21 A. I'm not sure how Mr. Dasrath
22 would have been notified in 2006.

23 Q. Were they just automatically
24 administratively withdrawn or would there be
25 some sort of warning letter to say you are

1 A. DASRATH

2 going to be administratively withdrawn if you
3 don't fulfill your requirements, let's say?

4 A. There is no warning letter.
5 The student understands that if they don't,
6 it is part of the student handbook that if
7 they don't successfully complete a course
8 they have to retake that course to promote
9 through the academic program.

10 You have to be successful in
11 different courses. If you don't pass the
12 course, whether it is D, S and anatomy course
13 or an advanced introduction to clinic
14 medicine course you retake the course.

15 Q. But, being administratively
16 withdrawn he would have to be notified,
17 correct?

18 A. I assume so.

19 Q. I don't want you to assume. I
20 rather know if you know with certainty?

21 A. I don't know with certainty.

22 Q. So, a student can be
23 administratively withdrawn without receiving
24 any notification?

25 MR. CAPUANO: That is not what

1 A. DASRATH

2 she said.

3 A. I can be more explanatory if I
4 need to. A student reviews their course work
5 on-line through e-college and they know
6 whether they pass the course or failed a
7 course.

8 Q. What is e-college?

9 A. It is a technology system where
10 a student can actually log into a secured
11 site and review their grades.

12 So, they know, whether or not,
13 they are making satisfactory academic
14 progress. So, if a student sees that they
15 passed all their courses they know they are
16 making satisfactory academic progress.

17 If they see they are not
18 passing all their courses they know they have
19 to re-register to retake those courses.

20 Q. And if the students doesn't
21 re-register?

22 A. Then they are administratively
23 withdrawn from the school.

24 Q. Without being provided
25 notification?

1 A. DASRATH

2 MR. CAPUANO: Objection.

3 MR. COSTELLO: I will clarify.

4 Q. Because it is incumbent upon
5 the student, for him or her to be aware of
6 his or her grades and if they see a failing
7 grade it is incumbent upon them to
8 re-register for that class?

9 A. In accordance with the student.
10 handbook, if a student doesn't successfully
11 complete a course, if they choose to continue
12 in the program, they can do so by
13 re-registering at school of medicine.

14 If they don't want to
15 re-register, then the institution
16 administratively withdraws the student.

17 Q. If a student is
18 administratively withdrawn, the institution
19 wouldn't accept any further tuition from
20 them, correct?

21 A. If a student is not part of the
22 program, the institution wouldn't accept any
23 further tuition from them unless they are
24 registered for course work.

25 Q. To take the course that they

1 A. DASRATH

2 failed, let's say?

3 A. Right.

4 Q. But not going forward? In
5 other words, they would have to go back
6 before they can go forward?

7 A. Correct.

8 Q. Would they still be eligible to
9 take the USLME step I?

10 MR. CAPUANO: Objection. Under
11 what circumstances?

12 MR. COSTELLO: If they are
13 administratively withdrawn. I'm
14 following along that line of
15 questioning.

16 A. If they haven't completed
17 successfully all the prerequisite
18 requirements to take the medical license
19 examination and they weren't a student making
20 satisfactory academic progress, they wouldn't
21 be certified to take the USLME step I.

22 Q. Do you know when Mr. Dasrath
23 was administratively withdrawn?

24 A. I don't know.

25 Q. Would that be reflected in any

1 A. DASRATH

2 document that either has been provided by
3 your attorney or in your office?

4 A. It would be.

5 MR. COSTELLO: To the extent
6 not already provided, I will ask for
7 any follow-up documentation of Mr.
8 Dasrath being marked administratively
9 withdrawn.

10 MR. CAPUANO: Okay.

11 MR. COSTELLO: Off the record.

12 (Whereupon, a discussion was
13 held off the record.)

14 MR. COSTELLO: Back on the
15 record.

16 Q. When did Ross withdraw its
17 sponsorship for Mr. Dasrath for the USLME?

18 A. I don't recall the exact date.

19 Q. Do you know the month?

20 A. No, I don't.

21 Q. Do you know at the time the
22 sponsorship was withdrawn, whether Mr.
23 Dasrath had been certified to take the USLME
24 step I?

25 A. I would be making an assumption

1 A. DASRATH

2 and I don't want to do that.

3 Q. I just want to go back to the
4 clinical clerkship. In order to be assigned
5 to a clinical clerkship, is that the proper
6 way to say it, forgive me if it is not, the
7 student has to complete the NBME comp. exam?

8 A. No. The advanced introduction
9 to clinical medicine is a compulsory
10 clerkship, if you would.

11 The student is assigned to it.
12 They can repeat the comp. if they were
13 unsuccessful, let's say.

14 Q. Where is the AICM given, at
15 what campus?

16 A. In 2006 it was given in Miami,
17 Florida. Roseau, Dominica.

18 Q. That is similar to
19 Portsmouth?

20 A. It is different. It is a
21 city. It is a city in Dominica. Is a
22 clinical site so that would be part of
23 another location.

24 Q. So, that is where the AICM was
25 given?

1 A. DASRATH

2 A. Correct.

3 Q. Is there another clinical
4 clerkship after the AICM?

5 A. There is an additional
6 seventy-eight weeks clinical rotation after
7 the AICM course.

8 Q. Is that immediately upon
9 passing the AICM or well after?

10 A. After a student completes the
11 United States medical licensing examination
12 step I.

13 Q. And then they are eligible for
14 that second clinical clerkship, let's say?

15 A. To the additional seventy-eight
16 weeks.

17 Q. And where is that given?

18 A. Those are given in 2006
19 probably sixty-five different clinical
20 partnership with teaching institutions across
21 the United States.

22 Q. Was Mr. Dasrath enrolled in
23 that clinical clerkship in 2006?

24 A. I don't believe so.

25 Q. He would have had to take the

1 A. DASRATH

2 USLME step I exam in order to be eligible for
3 that seventy-eight weeks.

4 A. And pass it.

5 Q. Do you know if he passed the
6 USLME step I exam?

7 A. I don't know.

8 Q. Do you know when he became
9 eligible to sit with the ECFMG for the USLME
10 step I exam?

11 A. I don't remember the exact
12 date.

13 Q. Do you remember the month?

14 MR. CAPUANO: Can you rephrase
15 that.

16 MR. COSTELLO: I think she
17 understands it though.

18 MR. CAPUANO: Do you
19 understand?

20 A. It would have been at the end
21 of the advanced introduction to clinical
22 medicine course. I don't remember the date.

23 Q. That he would have been
24 eligible for the USLME step I?

25 A. He would have been ineligible

1 A. DASRATH

2 after that.

3 Q. And the reason he was
4 ineligible?

5 A. He didn't successfully complete
6 the advanced introduction clinical medicine
7 course.

8 Q. Dr. Perri, for your testimony
9 that you have given here today, is there
10 anything you would like to change or do you
11 not feel comfortable with any answer that you
12 have provided?

13 Do you want to clarify?

14 A. I don't understand the nature
15 of that question.

16 Q. Do you want to change any of
17 your testimony?

18 MR. CAPUANO: Actually the
19 deposition is over and is there any
20 clarification to any of your testimony?

21 THE WITNESS: No, nothing.

22 MR. COSTELLO: Thank you.

23 MR. CAPUANO: I have two
24 follow-up questions.

25 EXAMINATION BY

1 A. DASRATH

2 MR. CAPUANO:

3 Q. With respect to Plaintiff's
4 Exhibit 2, I know there were a series of
5 questions asked by plaintiff's counsel, but
6 just to be clear, it says that you are now
7 eligible to sit for the USLME step I exam in
8 this e-mail and that is contingent upon
9 successful completion of the AICM course; is
10 that correct?

11 A. Correct.

12 Q. With respect to Plaintiff's
13 Exhibit 5, am I correct, did you say whether
14 a student, in this case the plaintiff passed
15 or failed the AICM course is a separate
16 document or did I misunderstand you?

17 A. This would have been attached
18 to the evaluation that is completed at the
19 end of any clinical component of the program,
20 whether a student passed the clinical
21 rotation or in this case the AICM course, or
22 they passed or failed it.

23 This is a statement from a
24 medical education person.

25 Q. But, this document just

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1 A. DASRATH
2 indicates that he completed the course, it
3 doesn't indicate whether they passed or
4 failed?

5 A. Right.

6 MR. CAPUANO: Thank you. I
7 have no further questions.

8 (Time Noted: 11:20 a.m.)

9

10 _____
NANCY PERRI

11 Subscribed and sworn to
12 before me this ____ day
of _____, 2010.

13 _____
14 Notary Public

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I N D E X

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WITNESS

EXAMINATION BY

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4

NANCY PERRI

MR. COSTELLO

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MR. CAPUANO

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E X H I B I T S

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CERTIFICATION

3

STATE OF NEW YORK)

: SS.:

4

COUNTY OF KINGS)

5

6

I, GARY J. MEROLA, a Notary Public for

7

and within the State of New York, do hereby

8

certify:

9

That the witness(es) whose testimony as

10

herein set forth, was duly sworn by me; and

11

that the within transcript is a true record:

12

of the testimony given by said witness(es).

13

I further certify that I am not related

14

to any of the parties to this action by blood

15

or marriage, and that I am in no way

16

interested in the outcome of this matter.

17

IN WITNESS WHEREOF, I have hereunto set

18

my hand this 17th day of October, 2010.

19

20


GARY J. MEROLA

21

22

23

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25

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